

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6103**

**BILL NUMBER:** SB 162

**NOTE PREPARED:** Nov 4, 2003

**BILL AMENDED:**

**SUBJECT:** Human Cloning.

**FIRST AUTHOR:** Sen. Miller

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill declares that human cloning is against public policy. The bill prohibits the state, a state educational institution, or a political subdivision of the state from using resources to knowingly participate in human cloning activities. It also requires the State Department of Health to revoke the license of a hospital that knowingly allows human cloning activities.

The bill also requires the Medical Licensing Board to revoke the license of a physician who knowingly participates in human cloning and makes: (1) the unlawful participation in; (2) the implantation or the attempt to implant the product of; and (3) the shipment or receipt of the product of; human cloning a Class D felony. It also makes the purchase or sale of a human ovum, zygote, embryo, or fetus a Class C felony.

**Effective Date:** Upon passage.

**Explanation of State Expenditures:** This bill prohibits the state or any political subdivision from using any public funds, facilities, or employees to support any activities related to the cloning of a human being. This provision prohibits the administrative agencies, universities, and local governmental units from spending state funds or devoting state resources to a specified activity. The extent of general cloning research being done at state-sponsored universities is unknown.

The bill also requires the State Department of Health to revoke the license of a hospital if the State Health Commissioner proves by a preponderance of the evidence that the hospital knowingly allows the hospital facilities or hospital employees, within the scope of their employment, to be used for or to participate in cloning or attempted cloning of a human being. The impact of a hospital license revocation would be dependent upon individual circumstances. The revocation process is administrative in nature and could

potentially require additional resources for the State Department of Health.

The bill further requires the Medical Licensing Board to revoke a physician's license if the Attorney General, after appropriate notice and the opportunity for a hearing, proves by a preponderance of the evidence that the physician knowingly participates in or otherwise supports research or other activities facilitating the cloning of a human being. This provision could result in additional administrative expenses for the Attorney General's office.

*Penalty Provision:* The bill also establishes a new Class D felony and a new Class C felony. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months, and for all Class C felony offenders, approximately two years.

**Explanation of State Revenues:** *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class C felony and a Class D felony is \$10,000. However, any additional revenues would likely be small.

**Explanation of Local Expenditures:** *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

**State Agencies Affected:** State Department of Health, Department of Correction, and the Attorney General's Office.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Kathy Norris, 317-234-1360.